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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/034,129 | 12/28/2001 | Barry Edward Schliesmann | SPTV-01101US0 | 1610 |

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| EXAMINER | |
|---|---|
| CHOWDHURY, SUMAIYA A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2623 | |

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/034,129 | SCHLIESMANN ET AL. | |
| | Examiner | Art Unit | |
| | Sumaiya A. Chowdhury | 2623 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *21-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4-22-02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 19-29 have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues "Omoigui does not disclose the 'comparing said event data to an alert parameter at said customer premise equipment.' Rather, Omigui performs its comparison at encoder/server 14, which is remote from the customer premise equipment", on page 6 of the remarks.

Referring to paragraph [0044], Omoigui teaches that the computer 130 which is local to the client implements the encoder/server 14. Therefore the comparing **is** performed at the client end.

(b) Applicant argues Ozkan, Blackketter, and Knee do not disclose the comparing of the event data to the alert parameter at the customer premise equipment.

Examiner used Omoigui to teach that limitation.

### *Claim Objections*

2. Claim 29 is objected to because of the following informalities:

In claim 29, lines 2-3, change "JavaScipt" to –JavaScript--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21-23, 25-28, 30-37, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Omoigui.

As for claim 21, Omoigui teaches a method for generating notifications, comprising:

receiving event data at customer premise equipment, said event data provides information about an event occurring within a program not currently being viewed – (The computer 130 receives events occurring in programs currently not being watched by the user - [0074], [0044].);

comparing said event data to an alert parameter at said customer premise equipment – (The viewer preferences are compared with the event data to determine if there is a match between the two - [0078], [0059]); and

providing an alert for a user of said customer premise equipment if said received event data satisfies said alert parameter – (An alert is displayed to the user, when a match is detected - [0078]).

As for claim 22, Omoigui teaches:

providing a mechanism for said user to tune in said program not currently being viewed in response to said alert – [0040].

As for claims 23 and 37, Omoigui teaches:

said providing a mechanism includes displaying a user interface which provides an input item for a user to select and tuning in said program not currently being viewed in response to said user selecting said input item – [0040], line 6+.

As for claim 25, Omoigui teaches:

said event data includes event messages – (Referring to Fig. 6, column 216 contains the event messages -[0074]);

said event messages includes a channel number, event categorization and event description.

As for claim 26, Omoigui teaches:

displaying a first program (program currently being viewed by the user) , said program not currently being viewed is a second program (program recommended in the alert) – [0074], [0078];

providing a mechanism for said user to tune in said second program in response to said alert – [0040].

As for claim 27, Omoigui teaches:

said first program and said second program are broadcast television programs – (broadcast TV shows, [0028]); and

said providing a mechanism includes displaying an interface (PIP) on a television displaying said first program – [0040].

As for claim 28, teaches Omoigui teaches:

providing an interface (Fig. 8) for said user to specify said alert parameter – [0084]-[0086], [0065]-[0067];

receiving said alert parameter via said interface – [0084]-[0086];and

storing said alert parameter – [0084]-[0086].

As for claim 30, Omoigui teaches:

said receiving event data includes receiving said event data from a server (encoder 16 – Fig. 2) at a head-end premises – [0070].

Claim 31 contains the limitations of claims 21 and 30 and is analyzed as previously discussed with respect to those claims.

As for claim 32, Omoigui teaches:

said event data is received while a second visual program is displayed in association with said customer premise equipment – [0040], [0067].

As for claim 33, Omoigui teaches:

comparing said event data to a set of alert parameters at said customer premise equipment – [0078], [0059].

As for claim 34, Omoigui teaches:

said alert indicates an occurrence of said first event – [0059], [0067]; and

said alert parameter identifies said first event – [0059], [0067].

Claim 35 contains the limitations of claims 21, 28, 30, and 33, and is analyzed as previously discussed with respect to those claims.

As for claim 36, Omoigui teaches:

said customer premise equipment includes a set-top box – [0032].

Claim 39 contains the limitations of claim 28 and is analyzed as previously discussed with respect to that claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui in view of Blackketter.

As for claims 24 and 38, Omoigui fails to teach:

providing a mechanism for said user to record said program not currently being viewed in response to said alert.

In an analogous art, Blackketter teaches that a generated user interface provides a prompt to allow the user to record the program which the alert concerned for the advantage of allowing the user to watch the recorded program at a later convenient time– [0035].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Omoigui's invention to include the above mentioned limitation, as taught by Blackketter, for the advantage of allowing the user to watch the recorded program at a later convenient time.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui in view of Kim (6618057)

As for claim 29, Omoigui teaches wherein:

said customer premise equipment includes a set-top box – [0032]; and

receiving event data, comparing said event data and providing said alert – [0078], [0059].

However, Omoigui fails to teach an STB running JavaScript code.

In an analogous art, Kim teaches an STB running JavaScript code for compatibility of applications with the STB – col. 3, lines 60-65.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Omoigui's invention to include the above mentioned limitation, as taught by Kim, for the advantage of compatibility of applications with the STB.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

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